

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SPECIAL CLOSED SESSION DOCKET
FOR
MONDAY, NOVEMBER 29, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

Due to the anticipated length of the regular City Council meeting for November 30, 2004, the Mayor is calling a Special Closed Session meeting for Monday, November 29, 2004, in the Committee Room on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California. **The Special Closed Session will commence immediately following the conclusion of the regular open session meeting that day.**

Pursuant to the new temporary Council Rule on closed sessions, the public will have the opportunity to comment on these matters during the regular open session of the City Council on November 29, 2004. The open session agenda for that day will reflect the appropriate open session item for public comment. **The Closed Session called pursuant to this memorandum may continue into Tuesday, November 30, 2004.**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 821191**

DCA assigned: Gleeson

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City's outside litigation counsel and the City Attorney will seek authorization for individual settlement agreements.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-2 *Beckworth Library Construction Project*

DCA assigned: Wright-Travis

This matter involves the remodel at Beckworth Library. The City made a demand on the performance bond after the contractor defaulted on the construction contract. In closed session the City Attorney will advise the Mayor and City Council on the status of the matter and seek appropriate direction.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-3 *Meadows Del Mar v. City of San Diego*

ACA assigned: Girard

This matter involves a dispute over the construction of a public trail on private property. In closed session the City Attorney will advise the City Council on the merits of the matter and appropriate direction.

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-4 Property:

Approximately 44,875 sq. ft. of the San Diego Concourse, including Golden Hall and ancillary space (Portions of APN 533-433-27)

City Negotiator:

William T. Griffith, Real Estate Assets Director

Negotiating Parties:

Smokey Gaines, The San Diego Smoke

Under Negotiation:

Seeking direction pertaining to a proposal received from Smokey Gaines for use of Golden Hall and Ancillary space.

DCA assigned: Gleeson

This matter involves a proposal from Smokey Gaines the owner of the ABA franchise, San Diego Smoke for use of Golden Hall and ancillary space totaling approximately 44,875 sq. ft. In closed session City staff will advise the Mayor and City Council on the matter and seek appropriate direction.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-5 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

Employee organizations: Municipal Employees Association, Local 127 AFSCME, AFL-CIO, Local 145 International Association of Firefighters AFL-CIO, San Diego Police Officers Association

HDCA assigned: Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, 3) retirement benefits, including the recommendations from the Pension Reform Committee, and 4) Presidential

Leave and Presidential Benefit for union presidents. The City Manager and staff will request instructions from the City Council as to those matters.

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-6 Title: City Auditor and Comptroller